

Council aware of it. Mayor Marix asked if someone wanted to donate money to the Town for retirees, could we not accept it? Mr. Doney did not know how this would be fairly distributed. Mr. Heeke knew there were State requirements also which may not allow this. Mr. Doney stated it is too complicated and has too many pitfalls and he will be telling Mr. Wojcik it cannot be done. Mr. Heeke agreed indicating it was not a function of the Town. Mayor Marix recalled the retirement benefits have been raised to bring the older retirees up to a minimum of \$300, which is paid out of the General Fund, and asked if this was to be in addition? Mr. Doney stated that was correct. Mrs. Wiener stated she would back the Town Manager's opinion on this matter to which the remainder of the Council agreed.

Retirement
supplement

D. FIRST FLOOR RENOVATION PLANS FOR FINANCE/TOWN CLERK'S OFFICE. Mr. Doney indicated the first floor renovation plans are in the Mayor and Town Council's office and asked them to look at them.

First floor
renovation

XIV. ADJOURNMENT. Meeting was adjourned at 12:25 PM.

Grace T. Peters, Town Clerk

TOWN COUNCIL MINUTES OF MEETING HELD AT 3 PM

JANUARY 11, 1990

I. CALL TO ORDER AND ROLL CALL: A specially called meeting of the Town Council was called to order by President Douthit at 3 PM on January 11, 1990. On roll call, Mayor Marix, President Douthit, President Pro Tem Heeke, Councilmen Weinberg and Ilyinsky and Councilwoman Wiener were found to be in attendance.

Call to
order &
roll call

II. INVOCATION AND PLEDGE OF ALLEGIANCE. Invocation was given by Mrs. Peters. Pledge of Allegiance was led by Mr. Doney.

Invocation

III. APPROVAL OF AGENDA. Mr. Heeke moved for approval. Seconded by Mr. Ilyinsky. On roll call, the motion carried unanimously.

approve
agenda

IV. CONSIDERATION OF PROPOSED ALTERNATIVE ASSESSMENT PROGRAMS - OCEANFRONT ROADWAY PROTECTIVE SEAWALLS. President Douthit explained the procedure which will be followed which will be to hear staff's report; secondly, comments from the public; and third, consideration by the Council.

Alternative
assessment
programs

COMMENTS FROM STAFF: Mr. Doney reported the Oceanfront Roadway Protective Seawall has a long history. He stated there has been no formal decision made concerning the issue of assessments for identified work within the Oceanfront Roadway Protective Seawall Capital Improvement Program. He indicated at the end of 1989, the Council considered this issue and requested the Town staff notify the property owners within the proposed project area and the purpose of this meeting was identified in that letter dated 12-5-89 and identified also was the methodology being considered by the Town to attempt to equitably set both how the private property owners and the public property was especially benefitted. He stated regarding the issue of protection of Ocean Blvd., it is addressed in the Town's Code, and prescribes the ability to assess for those improvements when necessary and also contains emergency repair provisions. He noted this project has been studied in past years by Mock Roos & Associates, the coastal consulting engineers to the Town; by Coastal Planning & Engineering and Cubit Engineering within the Comprehensive Coastal Management Plan and has been an ongoing program. He commented on the fact there was major rehabilitation work done in 1975 and 1976 and the historical information is referenced in the Comprehensive Coastal Management Plan. He stated today the methodology needs to be discussed and the input from the abutting property owners was solicited in order they may make known their concerns.

Staff
comments

Mr. Dusey reported the seawall south of Hammon Avenue to Southern Blvd. was installed in 1929, basically in response to a number of hurricanes which occurred in 1926 and 1928 which were devastating to the Town. He indicated the basic construction at that time was the steel sheet piles with the thickness of about one-third of an inch, which were driven into the sand and a tie back system was constructed to constrain it. He stated in the late 1950's a gunite concrete surface was placed on the seawalls in an effort to impede corrosion. He noted at various times since 1964, toe walls have been constructed at a number of different locations and all of the maintenance work was cost-shared between the property owner and the Town on a 50-50 basis. He recalled in 1984, the Town Engineer, Mock, Roos & Associates, completed a study of the Town's Roadway Protective Seawall and a number of deficiencies were identified in that study, including deteriorated anchor rods, the tie-back systems, gunite's spalling and the need for toe-wall construction at a number of locations.

Mr. Dusey explained in the area between Via Bellaria and a bit south of Banyan Road, the Mock Roos study identified the need to make anchor tie-rod repairs, as well as gunite repairs. He stated prior to starting this work, however, Cubit Engineering was engaged to evaluate this segment of the seawall to make a determination if this repair method was appropriate, as staff had a concern that the proposed construction may be a little bit more than was necessary. He recalled at that time Cubit Engineering recommended an evaluation of the sheet steel because of the long term time it was exposed and to make a determination as to whether the sheet steel had deteriorated to the point where it could no longer support itself. He stated as part of the tie-back repairs which was done in 1986, portions of the gunite was removed and they measured the thickness of the sheet steel with specialized equipment and it was found that the sheet steel was indeed badly deteriorated and was structurally deficient and in a number of areas, there were holes in it. He indicated that because the Mock Roos study did not contemplate the need for structural repair or replacement of this steel sheet piling, the Town hired Coastal Planning & Engineering, Inc. to build on the Mock Roos study and make a determination as to exactly what had to be done for the entire Roadway Protective Seawall System and their recommendation was to replace the wall. He indicated final design plans were completed and the project was bid last summer, but the Town Council had been considering alternative assessment formulas and the award of a contract to complete the replacement has never been done.

Staff
comments

Mr. James Bowser described to the Council what the replacement will look like and exhibited a sketch. Mr. Heeke asked if Mr. Dusey would furnish a copy of his memorandum on this subject. to which Mr. Dusey agreed. Mr. Bowser noted the sketch does identify the Roadway Protective Seawall and this particular section on the plan goes from Via Bellaria to Banyan Road. He had highlighted a typical cross section of the way the seawall should be repaired which he hoped would be a standard of the Town. He exhibited a drawing which showed it be to be a new seawall to be constructed seaward of the existing wall and a new tieback system would be installed which would be a board back through the existing seawall which is a cement grout with a steel tendon rod and toe scour protection would be placed similar to what will be placed at Mid-Town.

Mr. Doney stated for the record there have been seven letters received which express opinions, comments, and objection to the issue of the assessment and he realized the methodology is complicated and has been studied by the Mayor and Council as to whether it accurately identifies how both public and private properties is benefitted and these letters have been submitted to the Town Clerk and are a matter of public record. Mr. Heeke moved the letters received be made a part of the record. Seconded. by Mrs. Wiener.

Mrs. Wiener felt before they get into methodology, many of the letters state that professional help has been sought and they state the wall in front of their property is not in the type of condition that staff has reported to the Council and she wondered if staff has had an opportunity to discuss with the experts this situation. Mr. Dusey's response was he has talked to a number of residents in the past year but not to any experts and in fact, he doesn't know who they are.

Mrs. Douthit did not believe they should be approaching the methodology at this point in time and called for comments from the public.

Comments
from
public

COMMENTS FROM THE PUBLIC: Mr. Jack Callahan, 880 S. Ocean Blvd. asked if someone could explain the plan in more detail. Mr. Dusey explained they propose to put a seawall in front of the existing seawall which will be installed to a greater depth and it would have a tie back system which is greater than what is there now. Mr. Callahan asked if this would be tied into the system that was put in a few years ago? Mr. Dusey indicated he has found that this method of tie back was a better system than what has been installed previously and the technique has been better perfected. Mr. Callahan asked if he was stating the work done a short while ago was something that shouldn't have been done? Mr. Dusey responded in retrospect, because it is not connected it may have been a mistake, but at the time they were not so advised. He explained the toe wall and the new sheet steel will be protected by a rock revetment, similar to what is at Mid-Town. He stated this was in excess of what is normally required by DER and DNR.

Mayor Marix asked if there was any beach there at this point, it would no longer exist after this work was done. Mr. Dusey did not believe the rocks would hurt anything.

Mr. Bowser stated any beach that appears there now, the minimum rock toe required by the State would eliminate that beach. Mr. Dusey responded that if there is any substantial beach, the rocks would be normally at six and a normal beach would build up to eight or nine. Mr. Dusey stated rocks will help to dissipate the energy as the waves will not hit against the wall and cause the scour and sand drifting down from the north will have a better chance of staying on this beach.

Mrs. Georgina Doerschuck, 476 S. Ocean Blvd. addressed the Council noting her seawall seems to be alright but there is a severe problem at the Town's wall. She recalled some years ago, she addressed the Council when Mr. Burn was on the Council and the Town hired an expert to study the erosion problem and then they removed the groins, against her advice and the beach was lost. She stated they have installed a very expensive life guard station, which was swamped as a result of the groin removal and it was washed out. She stated the road was lost and the plantings along the seawall were lost and after all this, they are still removing groins in the north end. Mrs. Douthit stated they were not. Mrs. Doerschuck was glad they had learned from their past mistakes because they have cost her her home as the taxes have gone up because of their imprudence and they are not listening to people in the Town who are knowledgeable, which she thought she was on coastal matters. She stated this project proposed is okay but the rocks have to be wedged between pilings and they have to go to sea with it and that is the way the beach will be built up. She knows they have done that south of the Town. She noted Mr. Doney reported to the Mayor and Town Council that there was no damage after that last storm to the seawall, but she knew there was damage and it was reported in the newspaper there was no damage and she knows no-one came to inspect the seawall. She urged them to go there today as it is a mess. She hoped they would act wisely in the future. She had sat through the end of the workshop meeting on the seagrapes and they have proven no hardship, therefore, the seagrapes should not be ripped out. She asked them to listen to her as she has to sell her home as her taxes went up \$6000 in the past year because of Council spending, such as putting in the five million dollar police station. She would have run for the Council if a proper notice was put in the paper of the Caucus, but the advertisement was buried on Christmas Day and January 1st. Mr. Ilyinsky indicated he was not sitting on the Council to be insulted by anyone. Mrs. Doerschuck stated because of him, she has to move out of the Town and she asked the Council not to spend anymore of the taxpayers money foolishly, as it was her personal opinion they did.

Mrs. Douthit called a short recess.

Meeting called back to order by the President.

Mr. James Sullivan addressed the Council thanking them for the opportunity to address them and he wished them to know that the affected property owners wish to establish a total disassociation with the comments just heard as that particular person does not live in their area as they are a mile down the road from her. He stated the purpose for him being here is to talk about the proposed seawall project, but more importantly, to let them know the position of all of the affected property owners. He stated after much research, meetings, and communication, during which all except four of the affected property owners were involved, the owners on Jan. 4th adopted unanimously a set of positions:

- (1) the affected owners are unalterably opposed to the proposed seawall project;
- (2) they believe the need is one of comprehensive beach renourishment complete with appropriate sand retention devices.
- (3) the proposed benefit analysis/funding proposal is absurd and grossly unfair.

He asked to relate to them why they arrived at these conclusions:

First, their opposition to the project itself, which is the key issue. He commented that failing the question of need, for a replacement of the wall, all the other issues are superfluous, he did not

think the wall needed replacement although it was not perfect, the wall, just like many of us approaching 50, needs a nip here and a tuck there but it does not need replacement.

He explained each one of them living along the wall is keenly aware of this condition as they live with it daily and walk along it daily. He stated in contrast, the Town Engineer back in September told him that he had not visited his portion of the wall in over a year. He stated the wall's condition is very fine although a little improvement is needed in some places, but nothing justifying replacement.

He recalled approximately three years ago, the Town and the property owners made a major investment in the wall's improvement to the tune of one half million dollars and he asked if that money was spent so that the wall would now be replaced just three years later. He heard Mr. Dusey state today the one half million dollars was spent on what was probably a mistake. He stated the property owners had assumed it was an investment being made for many more years of safe seawall protection. He wondered where they would be if the staff went ahead with this project now and then came back three years later and stated that was a mistake too.

He remarked that several of the property owners have had independent analysis done of the wall's condition and not one had found defects sufficient to require the wall's replacement. He used as an example, the Schleisingers, who own 300' or over 10% of the total project and their analysis done last March, prior to purchasing their home and because it was done prior to their purchase of the home, it was conducted in a "worse case scenario" as the conclusion was of the total 300', only one twenty foot section needed repair. He stated there was other minor deterioration which existed but in no case, did the wall need replacement. He exhibited a written report on that analysis which he distributed.

He stated he advised the Town last September about the adequacy of his wall and Mr. Doney responded in a letter dated September 25th, indicating the Town Engineer would go out and inspect his wall and he did and Mr. Doney in a subsequent letter of October 19th, told him that based on that inspection, a further study was needed on that portion of the wall and no decision would be made on the wall and his inclusion in this project, until Mr. Doney had communicated back to him that further study report, but he never heard from him and then the project was dumped on them and this seems significant to him. He asked if the wall would protect anyone from a tidal wave or a Stage 4 hurricane, he knew it wouldn't as no wall would as it is not meant to. He stated tidal surges which come with those kind of environmental disasters go over the wall, they overwhelm the wall and this happened in 1981 and a number of times previously. He stated this wall is meant to protect against normal storms and normal erosion and it is totally adequate, given protection, to continue to do that.

He stated the second position they took was on the Comprehensive Beach Renourishment and they all felt nothing could withstand the ocean's might, and certainly no wall could. He commented they could take the Great Wall of China and transplant it in front of their homes and it would not withstand the ocean's might, without protection. He stated that is what the wall needs - sand - incorporated into a comprehensive beach renourishment program with appropriate protective devices for the sand, once it is in place. He indicated that for many years, all of the affected property owners have been supporting and pinning their hopes on the Wells Road to Southern Blvd. Federal, State, and Town beach renourishment program. He asked if they could imagine their shock and disillusionment and their sense of abandonment to learn recently that their portion had been eliminated from the Beach Renourishment program unilaterally. He felt that whatever the rationale, it was wrong and he asked them to make that wrong right and resolve to reinstate them in the Beach Renourishment Program because that is the right project which will protect the wall and the island, long term, and that is by far the most cost effective alternative.

He indicated the last position they adopted at their meeting was the Benefit Analysis/Funding Proposal position and he stated it shouldn't really be necessary to get into this issue, a potentially divisive one, but because staff has raised it, he will address it. He stated this benefit ratio came from a computer model from the U. S. Corps of Engineers and he finds that ironic, as the U S Corps of Engineers is the one which gave them their erosion problem in the first place, when they punched through the Inlet on the north end of the island years ago and now the staff goes to them, whom he described as environmental terrorists and we are asking them for benefit ratio analysis. He stated the staff's report says the property owners get up to 95% of the wall's protective benefit. He thought this was absurd as staff refers to this as the Roadway Protective Seawall Project, and if the roadway is not protected, the Town will be severed in half, disenfranchising the entire southern portion. He reported 770' or over 25% of the total project, staff wants them to pay for and that portion protects State Route A-1-A and he did not believe they had ever embarked on a policy of appropriating millions of dollars from Town residents to protect and pay for a State facility?

He suggested that everyone of them would probably accept seeing the wall slip into the ocean if they would be sure the road would go with it as when the sea begins to lap at their front lawns, then and only then shall they receive one scintilla of benefit from the wall greater than does every member of the general public and at that point, they would be glad to pay for a new wall, but only then and up until that time, the wall does benefit everyone.

He concluded by saying these are the positions of a group of residents who have always been willing to pay more than their fair share and this is a group who dearly love living in this Town and pays dearly for that privilege. He did not wish to be adversarial nor to be litigants with the Town but this Council had it within their power to stop this proposal which never should have begun and he asked them to vote down this ill-conceived, fatally flawed and fundamentally unfair project once and for all and get them back into the beach renourishment program.

Mr. Heeke believed if they were to get back into the Federal beach renourishment program, they would have to show beach access to the public and he did not believe these property owners wished to turn this over for public use. Mr. Sullivan did not think it would be wise to dismiss that possibility out of hand as there is precedent for that, recalling it was done from the area from Widener's Curve to Sloan's Curve a few years ago and he had discussed this with a number of the residents who live there and they believe it had been worked out adequately and now they are well protected. He stated since this issue has not come up to the group of property owners along this wall, he would speak only for himself, but he would be happy to consider it, within those same terms.

Mayor Marix reported there could never be parking for the public along there, as the road is too narrow so either one or the other of those problems would make it difficult to get back into the Federal program and it might be in order to hold the sand, and if the permitting could be received, the residents may want to consider what Mr. DuPont did there, and that was installing a reef and the sand came back by itself. She felt there were other possibilities but getting back into that program would be difficult

Comments
from
Public

Comments
from
Public

and she pointed out the Town did not take them out of this program. Mr. Sullivan believed there were some legislative difficulties last year but specifically there was a comment included in Mr. Dusey's memo to Mr. Doney dated 9-12-89 when he states "Since the fill project was shortened because of our plans to replace this portion of the seawall" and that has shocked him.

Mr. Doney asked to address the issue of the Mid-Town Beach Nourishment Project and Mr. Dusey's memorandum noting that in order to obtain Federal funding, through the U S Corps of Engineers and for State funding through the Department of Natural Resources, the Town has to prepare a permit application and a study which is called the General Design Memorandum and the methodology which the Town must abide by within the General Design Memorandum, the Town must calculate a benefit and cost ratio and the parking and the access issues are heavily rated within the Benefit and Cost Ratio formula and the potential of doing an Oceanfront Roadway Protective Seawall Project in this area and the criteria in the Design Memorandum is the reason the last one half mile of the original three mile project was not included. He stated the other factor is the estimated cost and if there is no additional funding forthcoming from the Federal government and the State, he did not believe there would be a mid-town Beach Nourishment project as the Town's share of the project is approximately 2.8 million and the State's share is 3.2 million and the Federal share is approximately 7 million and they are not too optimistic about the funding coming through as they have been trying for three years. He offered to sit down with Mr. Sullivan and the other property owners to go through the methodology.

Mr. Doney remarked that in attempting to identify the most equitable formula they could come up with, in conjunction with Coastal Planning, they have tried to best identify what is private and what is public and when this was brought before the Mayor and Town Council, they were not comfortable with it as they felt Ocean Blvd. itself needed to have a heavier weighted portion within that overall formula and this meeting was called to invite the comments of all involved, pro and con, since there is the alternative of just waiting until the wall does fail and make necessary repairs when they are absolutely necessary and live with the condition. Mr. Sullivan suggested another item would be to protect the wall with renourishment. Mr. Doney again offered to go over this with him. Mr. Sullivan believed that when something is being analyzed it should be looked at from the standpoint of how it can be accomplished.

Mr. Heeke informed Mr. Sullivan that the Town Council has not reached a decision point on whether they would do beach renourishment by way of pumping sand back in as that is a decision that he doesn't know as yet as to where he stands as he worries about the sand washing out to sea with the first Northeastern storm. He is interested in what other options there are, but these are subjects which are yet to be approached. He felt the funding procedure is a long drawn out governmental problem and the Town was not supported because the members of the Palm Beach delegation did not support it. He felt if this had gone forward, there would be hearings to determine if this was the way they should proceed and at this point, he doesn't know. Mr. Sullivan commented he too has the concern of the sand washing out to sea and that is why he feels this needs to be accompanied with a plan and a facility which would protect the beach and the sand once it is put in place. Mr. Heeke suggested this may be something the property owners might want to do and get the permitting privately as Mr. DuPont had done, however, it was his understanding this concept would not be permitted until a two year period has elapsed and we will be coming up to that time period this coming year and at that point, the Town could look at being a joint proposer to get the permitting through and this may be a subject Mr. Sullivan wished to pursue with the property owners affected. Mr. Sullivan assured the Council they will cooperate and support anything that the Town wishes to do in this regard and that they feel is amicable with their situation.

Mayor Marix suggested that they be in touch with Representative Messersmith who is very knowledgeable on this subject.

Mr. Callahan addressed the Council indicating he would welcome a DuPont proposal to help with the sand and would be prepared to pay half of the cost of that program in front of his property, which is 135' as he too felt it was the only thing that would work. He informed the Council that his seawall is not in good shape and is falling down and he has spent quite a lot of money last summer to repair it. He felt it was unconscionable that the Town spent one half million dollars a few years ago and what is there cannot be utilized. Mr. Bowser indicated when they did the analysis they started the tie back repairs and they took the gunite facing off one of the walls and found it to be in extremely poor condition and when they proceeded with the tie backs, they did an analysis and the tie back system can be reused and could be incorporated in the new wall, but when a thorough analysis was made on the new seawall, they studied all of the alternatives, aluminum, steel and concrete and varying tie back systems in order to support the wall, which is a necessary component of the wall. He stated their engineers concluded that despite at the time not knowing when a seawall replacement would come up and at the time a need for a tie back system, because engineering calculations show that the tie backs had deteriorated and they needed to repair the tie back system at that time, so they proceeded with the thought that they would reuse the deadmen and the new analysis found the cost to incorporate the renewed tie back system is more expensive than building this new type of technology which has been developed and currently being used. He pointed out at the time when a decision is made, it is made best on the information available and at that time when the decision was made, it was the best decision to be made. He felt to abandon the system now for a new type of tie back system which is generally used is cheaper than to reuse the old one, and that also is a sound decision.

Mayor Marix indicated that everything she has read or been told on this subject points out the futility of straight up and down walls, as they gouge out at the bottom and do all kind of things like ruining the shoreline, etc. She was troubled about the fact that perhaps a few years ago, it didn't need any doing, but another thing was if it did need redoing, the system that was put in is now condemned by coastal people. She was concerned about spending all of this money on something which they know causes scour and will kill what is left of the beach.

Mayor Marix asked Mr. Callahan if he paid for his own repairs last year? Mr. Callahan did not recall. He thought the DuPont project would be a marvelous project to get underway at once to get some sand on that beach. Mayor Marix felt the people who should be pressuring the permitting authorities have not been motivated to do so although some are, but others do not know the difference and need some political pressure put on them. Mr. Callahan felt they may utilized the Anti-Noise group that is active.

Mr. Heeke recalled the DuPont system has been discussed today but he knew there were other systems that propert to do the same thing and he cautioned all that it is not yet a known fact that that system will work fifty yards up stream or downstream and this is an option that is available, but it is not known if it will work at mid-Town or at the Clarke Beach. Mr. Callahan felt they would never know until they give it a try.

Mr. William Gubelmann addressed the Council stating he was President of the County Road Association which is about to become the property owners of 100 Banyan Road which is on the oceanfront. He had examined his seawall today and it is not broken, although it has a bit of rust and the reinforcing rods are dripping down the side of it and it has a minor surface crack, but it seems to be in good shape. He felt they should ask themselves who does benefit from this wall? He felt the primary beneficiary was the road itself and he for one would like to see it wash out so he truly had oceanfront property, which would probably increase his property taxes. He thought that over the years those owners of oceanfront property have been assessed higher than similar properties of similar square footage inland and they have put more money into the County tax system so he felt they have contributed more than their share to the cost of rebuilding the seawall. He felt they have a situation where they all benefit from the seawall, the road benefits from it so the wall is a necessary evil and if they lived in a walled city, and they were attacked from the south, they would all pull together so the same should apply to the seawall. He felt it was a common problem and it should be dealt with town-wide as they all benefit from that wall.

Comments
from
Citizens

Mr. Dusey informed the Council that the work that was done a few years ago on the anchor system, and at the time the work was initiated they did go to great lengths to try and determine, if in fact, those anchor repairs could be used in the new wall and it wasn't something that was approached lightly, as they were talking about \$500,000 and he assured the Council the decision was not a frivolous one but done on an engineering evaluation by Coastal Engineers who had great knowledge in structural conditions of the walls and they assured them this could be used in the construction of a new wall and it still can be. He stated they choose to go with the less expensive methods but those tie rods can be used, if the Council wishes to do so and will do so if the Council wants them to, so the money is not wasted.

Mr. Dusey stated the same people who state they should not install seawalls are the same people who state they shouldn't be on a barrier island because barrier islands have sand coming and going and it is receding and they are beyond that point as they are at a point where they want to stay on the island. Mayor Marix indicated her statement was it was her understanding that straight up and down seawalls are not one of the best kind of armor. Mr. Dusey stated that was partially the reason the rocks were placed out front to help minimize the impact of the hardening as the revetment that was put between Sloan's and Widener's Curve is considered armoring and has a negative impact on the system there. Mayor Marix asked if he had visited the DuPont reef lately as it certainly seems to be working. Mr. Dusey stated he had not. Mr. Doney reported they are getting another report on it from the Department of Natural Resources and on one private occasion, Mr. Dusey did ask for information and was provided same by Mr. Hans Rauch and it had the original actual survey data and he has been required to report the monitoring data on a regular basis, so it is being documented.

Mayor Marix just wanted to be sure that staff realized that there were other ways things could be done and the fact is we are talking about sand or no sand and if you go down there, and you see no sand, but where the reef is, which is slightly to the south and that has built up a great deal of sand. Mr. Dusey reported he has received from Mr. Rauch the latest information available but he has not had the opportunity to analyze it as yet. He stated the best measure of what is actually happening is in the cross-section.

Mr. Ilyinsky indicated he was never completely sold on the concept that seawalls protect only the people right behind them as if the wall at the end of his street were to go, he is about eight feet lower than the wall and he is sure he would go too. He agrees with Mr. Gubelmann that everyone is protected by the seawalls, not just the road although it does effect the road also, but if all the walls were to collapse in a Hugo-type storm which may or may not ever reach us, they might as well forget the whole thing as they would all be getting off the island, but from a philosophical point of view, he cannot see the justice especially at today's prices of charging a homeowner these exorbitant amounts. He uses the road everyday and he thought it made good sense that if the walls are going to be replaced, everyone in Palm Beach should share in the cost. Mr. Ilyinsky stated he would never vote for the people who live along the oceanfront to pay the type of assessments we are talking about here today.

Mayor Marix agreed and felt very strongly that they needed to come up with a plan as to what exactly needs to be done and if something really needs to be done, it be a part of the budget and it would be divided evenly among the taxpayers. She reiterated this should be only for what has to be done, no general remodeling of the whole wall.

Mr. Heeke felt they were dealing with a problem which doesn't effect only this locale as there are other areas where property owners are adversely affected with repairs that might be for road protection. Mr. Dusey reported there is a multi-year program involved and not all is replacement. Mr. Heeke believed that one of the reasons they were looking at some kind of a formula to try and determine the public and private benefit is if they went ahead and did something. He noted some of the properties which are a long way away from the road and the road could fall down and stay down for a long period of time before there was any damage to the house along that road and he thought that it would be foolish to step in and repair it when there was no clear or present threat to that particular roadway. He wasn't sure what would happen if it was in front of the Gubelmann property because it looked like that was closer to the road.

Mr. Weinberg felt there was another aspect which pertains to not the Town roads but the DOT roads. Mrs. Wiener felt one of the serious problems about this and she too agreed with Mr. Ilyinsky as far as payment is concerned, but when they talk about one part of the road the fact is if there is a hole somewhere, obviously either side would not be in the best of shape and she didn't believe the Council could afford to play engineer but at the same time, she definitely felt the seriousness is one that attaches itself to the Town and not to the individual residents who live across the way. She thought the problem they were trying to solve was who paid what and she too agreed there was something definitely wrong with the formula and it would be incorrect for them to double or triple what they do for the Town as a result of the fact they live on the oceanfront. She knows it is a main road from north to south and the Council has to face up to the fact that this is something that has to be budgeted. She would like to see a further very realistic engineering study done, perhaps between some of the people that the individual property owners had and the people the Town uses and come out with something that will be correct from a budgetary point of view for the Town.

Mr. Ilyinsky moved that the Council abandon the present efforts and studies relating to replacement of seawalls and that the staff be directed to look into the matter of repair of the seawalls on an as-needed basis in consultation with the upland property owners, which are most affected.

Mrs. Wiener wondered if it was agreed it is basically a Town problem, she thought they had to address but basically it is the Council's responsibility and we need to pay. Mayor Marix asked if they could go a little further with the motion as it would appear that some of the other engineering information

Comments
from
Public
(seawalls)

that the property owners have been given is not what our people have told us, so that is where part of the problem is and if this is in consultation with some of the other property owners, they could have a better handle on what should be spent and see if that can work into the budget or not. She thought that perhaps some of the property owners might want to do more than what is required and that of course would be their responsibility but the first thing is to isolate the real problem of repair - consult with the property owners and come up with a new set of figures.

Mr. Heeke saw as a problem that assessments are authorized in the Code, under Section 19-44 and he doesn't know if Mr. Ilyinsky was wanting to change that section? Mr. Ilyinsky stated he was not, and his concern was the number of people it affects. Mrs. Douthit reported the Code states the Council "may" as opposed to "shall". Mayor Marix felt in this case we shouldn't. Mr. Ilyinsky agreed noting that if push came to shove, he would voluntarily contribute to the maintenance of the seawall at the end of Algoma as it protects him as much as it does the houses along the roadway.

Mrs. Wiener felt they were basically saying that we look seriously into what needs to be done. Mr. Ilyinsky agreed. Mrs. Wiener seconded the motion made by Mr. Ilyinsky.

Mr. Dusey explained there have been two engineers, independent of each other, who have looked at the information available and they made the determination the wall needs to be replaced. He indicated he will have it studied again but these independent evaluations have been made and he believed that they were not looking at maintenance and not at the structural integrity of the wall. He stated he actually had measurements made also and he doesn't wish to waste Town money to study this again as he is sure it will come up with the same answer and he doesn't know how it would be anything different. Mayor Marix thought perhaps the property owners would be interested in discussing this further.

Leslie Schleisinger, 801 S. County Road addressed the Council indicating she owns two lots on the Ocean and an independent engineer looked at the wall for her and they gave her a price which was much different than the price the Town had and that was repair at \$450 a foot and replacement at \$800 a foot and the Town's price is \$1600 a foot for replacement.

Mr. Dusey stated this price was given after a visual inspection which meant they went and looked at the wall. Mrs. Wiener felt since they are giving a figure for replacement, it may be that in this particular case, a Mercedes wall will do as well as a Rolls Royce wall. Mr. Ilyinsky agreed.

Mr. Heeke wondered if the engineers were looking at this from the same point of view, particularly the type of replacement the Town was doing using deadmen and tie backs and it could be that Mrs. Schleisinger's engineer had not examined that aspect. Mrs. Schleisinger responded this was for a total replacement on the pilings down into the sand twenty-two feet with tie backs. Mr. Dusey stated that is the engineer's estimate and unfortunately they don't come in with exactly what is bid, as he finds out almost monthly when he bids contracts. He suggested an alternative may be that they consider the no-construction alternative which would replace it only if it failed or not at all, if it doesn't impact on the roadway. He wished to emphasize the property owners are on their own right now as the staff believes professionally there is a structural problem with the walls and at the time they need it most during a hurricane or a major storm is the time it will be stressed the most because of the loading of the rain and the wind and that is when it will fail when it is needed the most and as long as they accept that, as this will impact them more than the road, there is nothing wrong with doing nothing.

Mr. Heeke was agreeable to that unless there was a real danger to the road. Mr. Doney pointed out this is preventative maintenance. Mr. Dusey stated when the road is impacted, we can then react to it. Mrs. Wiener asked if he was stating that if there was a storm it would hit the house on the other side of the road and there would be serious damage to the property before there was damage to the road? Mr. Dusey stated the road would be impacted before the residence. Mrs. Wiener felt it was a Town problem and she feels the Council has a serious responsibility to make sure that doesn't happen.

Mr. Callahan reported his sea wall was falling down and if there is a bad storm, as we had last year, he will lose it and he needs extensive repair or a new seawall. He felt they needed to do something about the seawall. His seawall is 135' and if it fails, the road will go too.

Mr. Weinberg noted there were a lot of people who responded to the Town's letter asking to be left alone. Mr. Dusey stated this is a policy decision. Mayor Marix pointed out Mr. Callahan has asked for help. Mr. Dusey stated staff is not trying to ramrod this through, and he wanted the Council to know it is his professional job to bring to the Council the problems with solutions and alternative solutions and that is why he is here as he sees these are problems and how they are approached is totally up to the Council.

Mr. Gubelmann asked when the walls were put up in 1929, who paid for the original seawall? Mr. Dusey stated he cannot answer that as the first record he has is in 1931 which was on an assessment basis.

Mrs. Wiener called for the motion to be repeated. Mr. Ilyinsky stated the motion was that we abandon our present habits and studies relating to replacement of seawalls and the staff be directed to look into the matter of repairs of seawalls on an as-needed basis and with consultations with the property owners. Mrs. Wiener stated she seconded that motion but she wanted to be sure they were not abandoning the responsibility they have to the citizens of the Town as when Mr. Ilyinsky talked about the fact that he was willing to help out as he is at the end of Algoma, and she is at the north end of Town but she does use the road and she is not supposed to get off scot-free. Mayor Marix felt it should be repaired on an as-needed basis. Mrs. Wiener felt Mr. Callahan's situation would be covered by that motion.

Mr. Callahan stated he must do something about the seawall as it is falling down. Mr. Heeke asked if the wall was close to the roadway. Mr. Callahan stated at one point it is 60' to the seawall from his property line and at the other end, it is 45'. He did a temporary repair thinking that the Town was going to install a new seawall, so he has to do something. Mayor Marix felt they were on the same thinking as the Town is going to not decide to do the whole thing and will look at it on an as-needed basis and the input of the property holder is important and they should look at the other prices such as the one Mrs. Schleisinger has received and when they find out exactly which areas must be repaired, and it is narrowed down to as few as possible, then it is the responsibility of the whole Town to pay for it as since the number of people who use that road it is up to the Town to pick it up but if the Town doesn't feel some areas are necessary, and the owner really wants it, the owner can offer to pay for it. She emphasized the work should be reduced to the absolute minimum and it should be a Town responsibility.

Mrs. Schleisinger stated the major impact is to renourish and if they figured that out a way to renourish, they wouldn't need seawalls.

On roll call, the motion carried with a negative vote cast by Mr. Weinberg.

Mr. Doney pointed out the Code does state that they have a responsibility to protect the roadway and asked Mrs. Schleisinger if she could furnish the full engineer's report to which Mrs. Schleisinger responded affirmatively. Mr. Doney stated they are not looking to do something that doesn't need to be done and it was only because of the coastal consultant's evaluation and upon testing, it was believed there were some replacements necessary and he would appreciate any engineering reports that any of the property owners may have and he would be willing to share copies of the plans and specifications that the Town has with them.

Mr. Sullivan indicated his appreciation to the Council and they would be willing to share anything that they had with the Town.

There being no further business, the meeting was adjourned at 4:45 PM.

Grace T. Peters
Town Clerk

TOWN COUNCIL MINUTES OF JANUARY 16, 1990

I. CALL TO ORDER AND ROLL CALL. Meeting was called to order by President Douthit at 9:35 AM in the Town Hall Council Chambers. On roll call, the following were found to be in attendance: Mayor Marix, President Douthit, President Pro Tem Heeke, Councilmen Weinberg and Ilyinsky and Councilwoman Wiener.

II. INVOCATION AND PLEDGE OF ALLEGIANCE: Invocation was given by Mrs. Peters. Pledge of Allegiance was led by Mr. Doney.

III. APPROVAL OF AGENDA: Agenda was approve as printed.

IV. RESOLUTION NO. 1-90 - TO CALL ELECTION. Attorney Randolph read the Resolution by title:

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, DIRECTING THE TOWN CLERK OF SAID TOWN TO PLACE THE NAMES OF CERTAIN CANDIDATES ON THE OFFICIAL BALLOT FOR THE GENERAL ELECTION TO BE HELD IN SAID TOWN ON THE SIXTH DAY OF FEBRUARY, 1990, ADOPTING THE OFFICIAL BALLOT TO BE USED IN SAID ELECTION; AUTHORIZING THE TOWN CLERK TO ARRANGE FOR VOTOMATIC MACHINES AND ABSENTEE BALLOTS TO BE USED IN SAID ELECTION; AND DIRECTING THE MAYOR OF SAID TOWN TO ISSUE HER PROCLAMATION OF SAID ELECTION, NAMING THEREIN THE CANDIDATES NOMINATED AND NAMED IN THIS RESOLUTION; AND DESIGNATING THE TOWN CLERK OF THE TOWN OF PALM BEACH AND THE SUPERVISOR OF ELECTIONS OF PALM BEACH COUNTY AND HER STAFF TO SERVE AS THE CANVASSING BOARD.

On motion of Mr. Ilyinsky, seconded by Mr. Weinberg, the Resolution No 1-90 was adopted.

V. MAYOR'S PROCLAMATION TO CALL THE ELECTION:

Mayor Marix read the Proclamation:

MAYOR'S PROCLAMATION

TO THE QUALIFIED VOTERS OF THE TOWN OF PALM BEACH, FLORIDA

WHEREAS, pursuant to the Charter of the Town of Palm Beach, Florida, and the General Laws thereto pertaining, there will be held in the Town of Palm Beach, Florida, on the 6th day of February, 1990, a General Election for the purpose of electing three Council members of the Town of Palm Beach, Florida; and

WHEREAS, The Town Council of the Town of Palm Beach, Florida, on January 16, 1990, at a regular, adjourned session assembled, duly adopted a Resolution calling said election on said date, providing for the use of Votamatic Machines therein and directing the Mayor of the Town to issue her Proclamation thereof;

NOW THEREFORE, I, Yvelyne deMarcellus Marix, Mayor of the Town of Palm Beach, Florida, hereby give notice and make a Proclamation that there will be held in the Town of Palm Beach, Florida, on the 6th day of February, 1990 a General Election for the purpose of electing three Council members to serve for a two year period with the term ending the first Tuesday after the first Monday in February, 1992.

The Official Ballot to be used in said election is substantially as follows, to wit:

OFFICIAL BALLOT

GENERAL ELECTION OF THE TOWN OF PALM BEACH IN PALM BEACH COUNTY, FLORIDA HELD ON THE SIXTH DAY OF FEBRUARY, 1990.

THE FOLLOWING PERSONS HAVE BEEN DULY NOMINATED FOR THE OFFICE OF COUNCIL MEMBERS OF THE TOWN OF PALM BEACH TO HOLD OFFICE

Comment
from
Citizens
(seawalls)

Call to
order &
roll call

Invocation
& pledge

Approve
agenda

Resol.
1-90

Mayor's
Procla-
mATION.